

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BARBARA ZINNAMON,

Plaintiff,

-against-

UNITED STATES POSTAL SERVICE,

Defendant.

10-CV-4795 (ARR)

NOT FOR PRINT OR
ELECTRONIC
PUBLICATION

MEMORANDUM AND
ORDER

ROSS, United States District Judge:

By order dated November 30, 2010 (the "November Order"), the court dismissed plaintiff's complaint against defendant for failure to state a claim, but granted plaintiff leave to file an amended complaint within 30 days to support her employment discrimination claims pursuant to the Age Discrimination in Employment Act of 1967 and the Rehabilitation Act of 1973 against defendant. Moreover, the court warned plaintiff against filing a non-meritorious or frivolous discrimination claim in light of her litigation history. More than 30 days have elapsed and plaintiff has failed to file an amended complaint. Accordingly, it is

ORDERED, ADJUDGED AND DECREED that the complaint is dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B) as set forth in the court's November Order. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/S/
Allyne R. Ross
United States District Judge

Dated: January 28, 2011
Brooklyn, New York

SERVICE LIST:

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